
ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

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Large Groundwater Withdrawals Approval and Notification Requirements

In 1998, the Groundwater Protection Act and the Safe Drinking Water Act were amended to ensure that undesirable impacts to water resources from new large groundwater withdrawals are identified and addressed. The amendments are also designed to ensure meaningful public involvement in the regulation of these withdrawals. Specifically, the law requires that the New Hampshire Department of Environmental Services must first approve any new groundwater withdrawal of 57,600 gallons or more withdrawn in any 24-hour period and notice must be given to municipalities and water suppliers within the area that might be affected. DES, working with an advisory committee, developed rules (Env-Ws 387 and 388) for identifying and mitigating impacts. The requirements for public notification, however, are specified in the Safe Drinking Water Act and Groundwater Protection Act. This fact sheet explains the notification requirements and provides guidance to applicants seeking approval for large groundwater withdrawals.

Who must obtain DES approval and comply with the public notification? Anyone who intends to withdraw 57,600 gallons or more over any 24-hour period is subject to large groundwater withdrawal permitting requirements. This includes, but is not limited to, withdrawals for public water supply, bottled water, irrigation, manufacturing and recreation. Existing withdrawals installed prior to August 1998 do not have to comply with these requirements.

What needs to be submitted to DES for approval under these requirements? The information that the applicant must submit to identify and address impacts to surrounding water resources is specified by the large groundwater withdrawal rules (Env-Ws 387-388). These rules require an applicant to submit a complete preliminary large groundwater withdrawal permit application. The preliminary permit application includes an inventory of water users and resources in the study area, a description of need, a conservation plan, and a proposal for withdrawal testing. After site-specific field-testing and evaluations are complete, a final report is submitted. Requirements vary with the size of the withdrawal and the intended use of water. In the case of community water supply wells and bottled water sources, compliance with applicable siting rules is also required (Env-Ws 379 for community water systems; and Env-Ws 389 for bottled water sources).

How does the applicant complete public notification requirements? At the same time that the applicant submits a complete preliminary permit application to DES as described above, **the applicant is required to send a copy of the preliminary permit application and final report** to the governing body of each municipality and to each community water supplier in the estimated study area for the well or spring. **Additionally, the applicant is required to send copies of any supplemental application or report materials submitted to DES to these parties.** The copies of applications, reports and supplemental materials forwarded by the applicant to the municipalities and water suppliers are required

to be sent via certified mail and include the Large Groundwater Withdrawal Permit Application Notification Form.

Within 15 days of receiving the preliminary permit application or final report, the governing body of each municipality or community water supplier may request that DES hold a public hearing. If a public hearing is requested, it must be held within 30 days of the request. After setting a date for the public hearing, DES notifies the applicant, who then must publish the following public notices that describe the time, place, and purpose for the hearing:

- At least seven days prior to the hearing **post a notice in two public places** in each of the municipalities that was notified about the proposed withdrawal.
- At least eight days prior to the hearing **publish a notice in two newspapers**, one of general circulation throughout the state and the other of regional circulation.
- Seven days before the hearing **publish a notice in two newspapers**, one of general circulation throughout the state and the other of regional circulation.

What opportunities are there for public comment? Members of the public may present comments at the hearing, if any, or submit them directly to DES during the comment period (see timeline below). Members of the public including municipalities, water suppliers, and the applicant have 45 days from the hearing or, if no hearing is requested, 45 days from receipt of the preliminary permit application or final report to submit written comments to DES. DES shall specifically **consider comments received** and shall **issue written findings** with respect to each issue raised that is contrary to the decision of DES.

Whom do I call if I have other questions regarding this law? Contact Christine Bowman at (603) 271-8866 or christine.bowman@des.nh.gov, or Stephen Roy at (603) 271-3918 or stephen.roy@des.nh.gov.

Timeline for Public Input

Applicant submits preliminary permit application or final report to DES, municipalities, and public water suppliers.	15-day period in which municipality or public water supplier may request a hearing.	Hearing is held within 30-days of hearing request			45-day written comment period following hearing if hearing <i>is</i> requested.
		Applicant posts notice at least seven days before the public hearing.	Applicant publishes and posts notice at least eight days before hearing.	Applicant publishes and posts notice again seven days before hearing.	
	45-day written comment period if hearing <i>is not</i> requested				

For Additional Information

Please contact the Drinking Water and Groundwater Bureau at (603) 271-2513 or dwgbinfo@des.nh.gov or visit our website at <http://des.nh.gov/organization/divisions/water/dwgb/index.htm>. All of the bureau's fact sheets are on-line at <http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/index.htm>.

Note: This fact sheet is accurate as of November 2008. Statutory or regulatory changes or the availability of additional information after this date may render this information inaccurate or incomplete.